

REMARKS

The claims have been amended as set forth above to place them in better form to more clearly present a single invention for examination.

The Examiner has required restriction to one of the following groups of claims:

- I. Claims 1-10 and 21-39 drawn to a method of continuously manufacturing EL lamp material, classified in class 445, subclass 24;
- II. Claims 11-20 drawn to an apparatus for continuously manufacturing an EL lamp laminate material, classified in class 445, subclass 66; and
- III. Claims 40-50 drawn to an electroluminescent lamp material, classified in class 313, subclass 506.

A provisional election to prosecute Group III is hereby made with traverse. However, the requirement is believed to be improper and should be withdrawn for the following cogent reasons. Applicants reserve the right to prosecute all the claims of the application at a later date without prejudice in the event the present restriction requirement is not withdrawn.

The Examiner alleges that Groups I and II are distinct from each other because they are related as process and apparatus for its practice. As set forth in MPEP § 806.05(e), the Examiner has the burden of showing by way of example either (1) that the process as claimed can be practiced by another materially different apparatus or by hand; or (2) that the apparatus as claimed can be used to practice another and materially different process.

It is noted that the restriction requirement provides an example as to why the Examiner believes the restriction between Groups I and II is proper. The Examiner indicates the process can be practiced by a materially different apparatus, such as, "serially coating individual substrates instead of continuous coils of the ITO and aluminum foil substrates." Applicants respectfully disagree that this example shows that the alleged separate inventions are restrictable. The method *as claimed* is specifically designed for practice on the apparatus *as claimed* such that the method claims 1 and 21 specifically calls for the provision of the apparatus of claim 11 so serially coating individual substrates instead of continuous coils of ITO and foil substrates would not meet this method step unless it was identical to the apparatus of claim 11. Thus, as the example apparatus cited by the Examiner could not be considered as "another and materially different apparatus" as it is incapable of practicing the process encompassed by claims 1 and 21 unless it is identical to the apparatus of claim 11, it is respectfully submitted that Groups I and II do not describe independent and distinct inventions so the restriction between them is improper.

Accordingly, under the recited criteria set forth by the Examiner, it has not been shown that the inventions are independent and distinct inventions so the restriction between Groups I and II should be withdrawn.

The Examiner also alleges that Groups I and II are distinct from each other because they are related as process of making and product made. As set forth in MPEP § 806.05(f), the Examiner has the burden of showing by way of example either (1) that the process as claimed is

not an obvious process of making the product and the process as claimed can be used to make other and different products; or (2) that the product as claimed can be made by another and materially different process. The Examiner alleges “the EL material may be formed by laminating the front and rear electrode laminates individually rather than laminating continuous coils;” and, “the EL material may also be formed by applying phosphor particles to the organic binder before applying the organic binder to the ITO/PET substrate rather than applying phosphor to the organic binder coated on the ITO/PET substrate.” Applicants respectfully disagree that this example shows that the alleged separate inventions are restrictable.

The method *as claimed* is specifically designed for laminating a continuous coil front electrode and a continuous coil rear electrode. The product example cited by the Examiner could not be considered to be made by “another and materially different process” because laminating individual substrates instead of continuous coils of ITO and foil substrates would not meet this method step. Thus, as the Examiner’s example is incapable of producing the product encompassed by claims 1 and 21 unless it is identical to the product produced according to the apparatus of claim 11, it is respectfully submitted that Groups I and II do not describe independent and distinct inventions so the restriction between them is improper.

The method *as claimed* is specifically designed for depositing a mono-layer of phosphor particulate onto the organic binder coated ITO/PET continuous coil. The product example cited by the Examiner could not be considered to be made by “another and materially different

process” because applying phosphor particles to the organic binder before applying the organic binder to the ITO/PET substrate would not meet this method step. Thus, as the Examiner’s example is incapable of producing the product encompassed by claims 1 and 21 unless it is identical to the product produced according to the apparatus of claim 11, it is respectfully submitted that Groups I and II do not describe independent and distinct inventions so the restriction between them is improper.

Accordingly, under the recited criteria set forth by the Examiner, it has not been shown that the inventions are independent and distinct inventions so the restriction between Groups I and II should be withdrawn.

The Examiner alleges that Groups II and III are distinct from each other because they are related as apparatus and product made. As set forth in MPEP § 806.05(g), the Examiner has the burden of showing by way of example either (1) that the apparatus as claimed is not an obvious apparatus for making the product and the apparatus as claimed can be used to make other and different products; or (2) that the product as claimed can be made by another and materially different apparatus. The Examiner alleges “the EL material may be made by an apparatus that laminates the front and rear electrode laminates individually rather than laminating continuous coils.” Applicants respectfully disagree that this example shows that the alleged separate inventions are restrictable.

The EL lamp material *as claimed* specifically calls for a continuous coil laminate of the continuous coil front electrode and the continuous coil rear electrode and is designed for practice on the apparatus *as claimed* such that the product claim 40 specifically calls for the provision of the apparatus of claim 11 so apparatus that laminates individual front and rear electrodes instead of continuous coils of front and rear electrodes would not meet this element unless it was identical to the apparatus of claim 11. Thus, as the example product cited by the Examiner could not be consider as made by "another and materially different apparatus" as it is incapable of producing the product encompassed by claim 40 unless it is identical to the apparatus of claim 11, it is respectfully submitted that Groups II and III do not describe independent and distinct inventions so the restriction between them is improper.

Accordingly, under the recited criteria set forth by the Examiner, it has not been shown that the inventions are independent and distinct inventions so the restriction between Groups II and III should be withdrawn.

In addition, all claims in the application are intimately interrelated and they should be examined together for reasons of efficiency and to avoid a later charge of double patenting. Furthermore, it is believed that examination of all the claims together would not place a serious burden on the Examiner. MPEP § 803.

In view of the above reasoning and amendments to the claims placing them in better form to more clearly present a single invention for examination purposes, it is believed that all claims in the application are ready for examination and early action in that regard is respectfully requested.

Respectfully submitted,

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